

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

FRANCISCO RODRIGUEZ, individually)	
and on behalf of others similarly situated,)	CLASS ACTION COMPLAINT
)
Plaintiff)	FLSA COLLECTIVE ACTION
)
vs.)	COMPLAINT UNDER
)
THE MAJESTIC STAR CASINO, LLC,)	29 USC § 216(b)
d/b/a HARD ROCK CASINO NORTHERN)	
INDIANA, HRNI HOLDINGS, LLC,)	
d/b/a HARD ROCK CASINO)	
NORTHERN INDIANA,)	CASE NO. 2:22-cv-00198-PPS-JEM
HARD ROCK NORTHERN)	
INDIANA, LLC,)	
HARD ROCK GARY MANAGER, LLC)	
And HARD ROCK GARY, LLC)	
)
Defendants)	

***JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND FLSA
COLLECTIVE ACTION SETTLEMENT AGREEMENT***

Plaintiff Francisco Rodriguez (“Rodriguez” or “Plaintiff”) asserts claims which relate to the payment of wages to employees of Defendants The Majestic Star Casino, LLC d/b/a Hard Rock Casino Northern Indiana, HRNI Holdings, LLC d/b/a Hard Rock Casino Northern Indiana, Hard Rock Northern Indiana, LLC, Hard Rock Gary Manager, LLC, and Hard Rock Gary, LLC (collectively “Defendants”) from as early as July 1, 2020 to October 1, 2023. Specifically, the class includes employees of Defendants’ casino located in Gary, Indiana, each of whom was both (i) classified by Defendant as a table games dealer or dual rate employee and (ii) an hourly paid employee during at least one week between July 1, 2020, and October 1, 2023. Plaintiff alleges these employees were not properly paid minimum wages and overtime compensation and paid for all time worked. Specifically, Plaintiff alleged that (1) Defendants required all table games

dealers and dual rate employees to participate in an unpaid meeting at the beginning of each work shift; (2) Defendants' time-clock rounding policy, procedure, and practice is used in such a manner that it results, over a period of time, in the failure to compensate employees properly for all time worked; (3) Defendants failed to properly inform its tipped employees of the required tip credit provisions prior to paying a sub-minimum direct cash wage and, as a result, Defendants may not claim a tip credit when paying their hourly paid Table Games Dealers; and (4) Defendants required its employees to participate in an unlawful tip-pool.

This Joint Motion seeks final certification of the settlement class pursuant to FED. R. CIV. P. 23 (for settlement purposes only); preliminary approval of the Class Action Settlement Agreement and Release (the "Class Action Settlement Agreement"); and approval of the proposed Notice of Class Action Settlement.

Consistent with this request, the Parties also jointly move the Court to enter an Order in the form of the attached. The grounds for this motion are more fully discussed in the accompanying Memorandum in Support.

Respectfully submitted,

/s/Robert J. Hunt

Robert J. Hunt, (#30686-49)
The Law Office of Robert J. Hunt, LLC
rob@indianawagelaw.com

Attorney for Plaintiff

/s/Eileen O. Muskett

Eileen O. Muskett
FOX ROTHSCHILD LLP
emuskett@foxrothschild.com

Attorney for Defendants